

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GRANT CLEVERLEY, in his individual
capacity and on behalf of nominal plaintiff
ALLSITE STRUCTURE RENTALS, LLC,
also a defendant herein,

Plaintiff,

vs.

CHARLES BALLANTYNE, an individual;
ALLSITE STRUCTURE RENTALS, LLC,

Defendants.

Case No. 2:12-cv-00444-GMN-GWF

ORDER

This matter comes before the Court on Plaintiff Cleverley's ("Plaintiff") Motion to Seal Opposition (#127), filed on July 12, 2013.

The Supreme Court has recognized a "general right to inspect and copy public records and documents, including judicial records and documents." *Nixon v. Warner Comm., Inc.*, 435 U.S. 589, 597 & n. 7 (1978). A narrow range of documents is not subject to the right of public access because the records have "traditionally been kept secret for important policy reasons." *Times Mirror Co. v. United States*, 873 F.2d 1210, 1219 (9th Cir. 1989). Unless a particular court record is one "traditionally kept secret," a "strong presumption in favor of access" is the starting point. *Foltz v. State Farm Mutual Auto. Insurance Company*, 331 F.3d 1122, 1135 (9th Cir. 2003) (citing *Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995)). The moving party must articulate compelling reasons supported by specific factual findings that "outweigh the general history of access and the public policies favoring disclosure." *Kamakana v. City of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (internal citations omitted). A "good cause" standard however, applies to


1 motions to seal documents attached to non-dispositive motions, *see id.* at 1179-80.

2 Here, Plaintiff seeks to seal his Opposition (#126) to Defendants' Motion for Protective
3 Order (#115), which he filed under seal along with the instant Motion. Plaintiff represents that
4 portions of his Opposition (#126) rely upon exhibits that Defendants previously marked as
5 confidential under the Protective Order (#34) in this case. Due to these representations, the Court
6 finds Plaintiff establishes good cause to seal those portions of the Opposition (#126) and its
7 exhibits that contain information subject to the Protective Order. Accordingly,

8 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Leave to File Opposition Under
9 Seal (#127) is **granted** in part and **denied** in part as follows:

- 10 (1) Plaintiff's Opposition (#127) to Defendants' Motion (#115) and its exhibits shall
11 remain under seal;
- 12 (2) Plaintiff shall re-file an unsealed copy of the Opposition (#126) and its exhibits with
13 the information subject to the Protective Order (#34) redacted.

14 DATED this 16th day of July, 2013.

15 
16 _____
17 GEORGE FOLEY, JR.
18 United States Magistrate Judge
19
20
21
22
23
24
25
26
27
28